



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance – Article III A Judith & Robert Trautwein/Map 160, Lot 5

June 18, 2014

**Applicant: Judith & Robert Trautwein
1766 McConnell Drive
Williamsport, PA 17701**

Location: 8 Garwood Lane, Moultonborough, NH (Tax Map 160, Lot 5)

On May 21, 2014, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Judith & Robert Trautwein (hereinafter referred to as the “Applicant” and/or “Owner”) for a variance from Article III A, for the construction of a residence with two kitchens, resulting in two dwelling units where the minimum lot area requirement and shore frontage are not met on the parcel located in the Residential Agricultural (RA) Zoning District.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 8 Garwood Lane (Tax Map 160, Lot 5).
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented at the Public hearing by Nicol Roseberry from Ames Associates.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The ZBA had questions at the May 21, 2014 meeting relating to the proposed siting of the new dwelling and the topography of the parcel, as well as how the existing dwellings were sited.
- 6) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Zewski, Bickford, Crowe), and none (0) opposed to continue the Public Hearing to June 4, 2014, and to schedule an on-site visit of the property for June 4, 2014 at 5:30 P.M.

- 7) The ZBA re-opened the continued Public Hearing at the June 4th meeting and discussed their observations from the site visit.
- 8) The applicant's representative (Nicol Roseberry) explained to the Board the proposed improvements that were identified onsite.
- 9) No members of the public wished to speak during the public hearing.
- 10) Granting the Variance would not be contrary to the public interest as the permit to construct one residential dwelling with two kitchens more reasonable than continuing the two much more nonconforming dwellings on the lot.
- 11) Granting the Variance would be consistent with the spirit of the Ordinance because the variance request does not essentially change the neighborhood or the use while eliminating some nonconformities.
- 12) By granting the Variance, substantial justice would be done because since the lot has special circumstances such as a protruding cemetery with its larger setback requirement, stream, challenging topography and lake shoreline, the building envelope is very small and oddly shaped and locating a reasonable area for building that meets the highest number of dimensional requirements is accomplished in only one location.
- 13) Granting the Variance would not diminish the value of surrounding properties as it would replace older camp style construction with new construction that is more conforming as regards setbacks and the environment.
- 14) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the lot has special circumstances such as a protruding cemetery with its larger setback requirement, stream, challenging topography and lake shoreline, the building envelope is very small and oddly shaped and locating a reasonable area for building that meets the highest number of dimensional requirements is accomplished in only one location.

On June 4, 2014, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Zewski, Bickford, Jenny) and none (0) opposed to grant the request for a variance with the following conditions: 1) Upon sale of the property to a non-family member, 1 of the 2 kitchens must be removed; 2) This be a single family home only and that there shall not be a party wall between the two living areas; 3) This approval is contingent upon the granting of the prior request for relief for the applicant from Article III.A and that the Notice of Decision be recorded at the Carroll County Registry of Deeds, and further, to close the Public Hearing.

The Board of Adjustment, on June 18, 2014, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a vote of (5) in favor (Stephens, Nolin, Zewski, Bickford, DeMeo), none (0) opposed.

The decision made to Approve the variance on June 4, 2014 shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.



Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date 6/23/2014